

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 16 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

PATRICIA POLANCO; VINCENT
POLANCO; SELENA POLANCO;
GILBERT POLANCO, Deceased,

Plaintiffs-Appellees,

v.

RALPH DIAZ; ESTATE OF ROBERT S.
THARRATT; RONALD DAVIS, Warden;
RONALD BROOMFIELD; CLARENCE
CRYER; ALISON PACHYNSKI, MD;
SHANNON GARRIGAN, MD,

Defendants-Appellants,

and

STATE OF CALIFORNIA; CALIFORNIA
DEPARTMENT OF CORRECTIONS AND
REHABILITATION; SAN QUENTIN
STATE PRISON; LOUIE ESCOBELL, RN;
MUHAMMAD FAROOQ, MD; KIRK A
TORRES, MD,

Defendants.

No. 22-15496

D.C. No. 3:21-cv-06516-CRB
Northern District of California,
San Francisco

ORDER

Before: FRIEDLAND and R. NELSON, Circuit Judges, and CARDONE,* District Judge.

* The Honorable Kathleen Cardone, United States District Judge for the Western District of Texas, sitting by designation.

Judge Friedland has voted to deny the petition for rehearing en banc, and Judge Cardone so recommends. Judge Nelson has voted to grant the petition for rehearing en banc.

The full court has been advised of the petition for rehearing en banc, and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for rehearing en banc is DENIED.